

MICHAEL A. CARDOZO  
Corporation Counsel

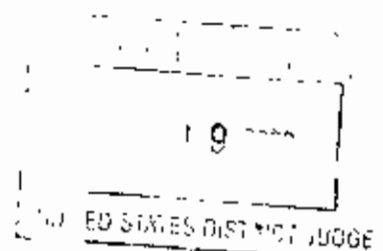
THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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March 17, 2008

**BY HAND DELIVERY**

Honorable Naomi R. Buchwald  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007



Re: Lucille Greco v. City of New York, et al., 08 Civ. 1821 (NRB)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York.<sup>1</sup> I write with respect to the above-referenced matter in which plaintiff alleges that she was falsely arrested and maliciously prosecuted. Defendant City respectfully requests an enlargement of time to answer or otherwise respond to plaintiff's complaint from March 24, 2008 until May 19, 2008. Plaintiff's counsel, Rene Myatt, Esq., consents to this request.

There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Furthermore, it is our

<sup>1</sup> Upon information and belief, individually named defendants Williams, Somerville and Ferrante have not yet been served in this matter. Therefore, should the Court grant this enlargement, it should allow plaintiff time to serve the individual defendants. If timely served, it may also give this office time to determine, pursuant to Section 50-k of the New York General Municipal law, and based upon a review of the facts of the case, whether we may represent them. See *Mercurio v. The City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

So  
Ordered  
Shawn  
D. Fabian  
3/20/08

understanding that the records of the underlying criminal action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, our office is in the process of forwarding to plaintiff for execution a consent and authorization for the release of sealed arrest and criminal prosecution records so that defendant City can access the information, properly assess the case, and respond to this complaint.

No previous request for an enlargement has been made by defendant City. Accordingly, defendant City respectfully requests that its time to answer or otherwise respond to the complaint be extended until May 19, 2008.

Thank you for your consideration herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J.D. Fabian", with a stylized flourish at the end.

Shawn D. Fabian (SF4606)  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: Rene Myatt, Esq. (By First Class Mail)  
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